

INDIANA STATE BOARD OF NURSING: BOARD PARTICIPATION BY ELECTRONIC MEANS

Pursuant to Ind. Code § 5-14-1.5-3.6, the Indiana State Board of Nursing (hereafter, the “Board”) adopts the following Policy regarding electronic participation by Board members during a Board meeting. This Policy was adopted by the board at its meeting of _____, effective _____.¹

PREAMBLE

This Policy is promulgated with the intent and applied so as to:

- A. Balance ease of Board member access to and participation in orderly proceedings, especially where there are occurrences that pose impediments to physical attendance such as severe weather or emergent circumstances;
- B. Follow Ind. Code § 5-14-1.5-3.6, and any amendments thereto, in a manner consistent with the requirements of the Open Door Law;
- C. Aid in recruitment of Board members on a statewide basis whose ability to participate electronically in some meetings would further enhance the attainment and maintenance of balanced geographical representation; and
- D. Encourage Board members to physically attend meetings whenever possible, particularly when adjudications are scheduled.

I. POLICY PROVISIONS

- 1. At least **three (3)** Board members must be physically present at the designated meeting site for the Board meeting and five must vote to constitute a quorum. Indiana Code § 25-23-1-5(b) indicates the following: “(5) members of the board constitute a quorum. An affirmative vote of a majority of the members appointed to the board is required for action of the board.” The Board chooses not to designate a specific member qualification for those physically present.
- 2. Where multiple Board members request electronic participation for a Board meeting, and there is the possibility the Board may not have the required number of Board members physically present at the Board meeting site, the Board’s President shall determine which Board members may attend the Board meeting via electronic means pursuant to this Policy.
- 3. A Board member is required to obtain prior authorization to participate electronically under this Policy except where the Chair determines that there might be insufficient Board members physically present at the Board meeting site.

¹ Should the Board adopt the Policy at its meeting of November 15, 2012, the Policy could be effective January 1, 2013.

4. A Board member wishing to attend a meeting via electronic means shall notify the Board's Chair and the Board Director reasonably in advance of the Board's meeting. Notification should be via email to both the Chair and the Board Director. A Board member participating via electronic means may do so by telephone, computer, video conferencing, or any other method of communication that allows for simultaneous communication and is capable of being recorded by members of the public present at the designated meeting site.
5. A Board member participating in a meeting via electronic means pursuant to this policy is not required to do so in a setting that is open to the public.
The Board Director is delegated to supervise and coordinate electronic participation pursuant to this Policy by Board members.
6. Each Board member must physically attend at least one (1) Board meeting annually. Physical attendance must occur within the first six (6) months of a calendar year. A Board member is not precluded from attending via electronic means pursuant to this Policy until such Board member physically attends a Board meeting in a calendar year.
7. For a Board member appointed or designated after the beginning of a calendar year, the appointed or designated Board member must physically attend a board meeting at the earliest practicable time following such appointment; but no later than three months after appointment.
8. A Board member participating via electronic means under this Policy is considered present at the Board meeting and may vote at the Board meeting on any matter.
9. A Board member participating via electronic means may cast the deciding vote on any matter properly before the Board.²

Where at least one (1) Board member is participating via electronic means pursuant to this Policy, all votes of the Board will be taken by roll call.

10. This Policy does not create a right for the public to observe and record an executive session of the Board conducted pursuant to I.C. § 5-14-1.5-6.1, or any other applicable law.

² It is not advisable to limit the voting rights of a member. This could effectively prevent completion of Board business.